



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,287	06/29/2004	Shinichi Sasaki	042424	5209
38834 7590 04/27/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
CHEN, WEN YING PATTY				
ART UNIT		PAPER NUMBER		
2871				
MAIL DATE		DELIVERY MODE		
04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,287

Applicant(s)

SASAKI ET AL.

Examiner

WEN-YING PATTY CHEN

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-9 and 16-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,5-9 and 16-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 6/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Amendment filed on Jan. 28, 2009 has been entered. Claims 16-18 are newly added per the Amendment filed, therefore, claims 1, 5-9 and 16-18 are now pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5-6, 8-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coates et al. (US 6867834; hereinafter referred to as '834) in view of Kim et al. (US 6888598) further in view of Coates et al. (US 6912030; hereinafter referred to as '030).

With respect to claims 1 (Amended) and 18 (New): '834 discloses in Figure 3 a polarizing plate with optical compensation function that can be incorporated in a VA-type liquid crystal cell (Column 6, line 65 through Column 7, line 10), the polarizing plate comprises a polarizing layer (element 2) and an optically compensating layer, wherein

the optically compensating layer comprises an optically compensating A-layer (element 4; A-plate) comprising a polymer film (Column 12, lines 52-53 and Column 1, lines 57-62), and an optically compensating B-layer (element 6; highly twisted A-plate, which acts as a negative C plate; Column 11, lines 15-16) comprising a cholesteric liquid crystal layer (Column 11, lines 24-27), the optically compensating A-layer being on a side of the optically compensating B-layer opposed to the polarizing layer (as shown), and

wherein the optically compensating A-layer meets the requirement of $20nm \leq Re \leq 300nm$ (Column 24, lines 61-62).

'834 is silent on the optically compensating A-layer (A-plate) satisfying the condition of $1.2 \leq Rth / Re$ and that the optically compensating B-layer has an Re value of about 0.

However, Kim discloses the use of an A-plate having the conditions of $20nm \leq Re \leq 300nm$ and $1.2 \leq Rth/Re$ (Column 5, lines 9-10 and Claim 7) and '030 discloses in Column 7 lines 24-26 and 35-37 of using a twisted-A plate having the function of a negative C plate with a Re value of 6nm, which is about 0.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a polarizing plate as taught by '834 wherein the A-plate is of an A-plate having the retardation values as taught by Kim, such that the viewing angle can be improved and wherein the twisted A-plate that acts as a negative C plate has a Re value as taught by '030, since '030 teaches that such characteristics of the optical element helps to improve optical properties for compensation of the LCDs (Column 4, lines 20-23).

As to claim 5: '834 further discloses in Column 18 lines 27-33 that the highly twisted A-plate can be formed of an alignment layer and a base, therefore the polarizing plate comprises at least one of an alignment layer and a base.

As to claim 6: '834 further discloses in Column 1 lines 56-62 that the polymer film is either a stretched film or a liquid crystal film.

As to claims 8 and 9: '834 discloses in Figure 3 an image display comprising the polarizing plate wherein the polarizing plate is arranged on at least one surface of the liquid crystal cell.

As to claim 16 (New): '834 further discloses in Column 9 lines 1-6 that the polarizing layer and the optically compensating layer are arranged so that an angle formed by an absorption axis of the polarizing layer and a slow axis of the optically compensating A-layer is not smaller

than 85° and not larger than 95° (wherein the axes can either be parallel or perpendicular to each other, thus, when they are perpendicular, they are at 90° with each other).

As to claim 17 (New): '834 further discloses that a selective reflection wavelength range of the cholesteric liquid crystal layer has an upper wavelength not larger than 350nm (Column 11, lines 38-42).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coates et al. (US 6867834; hereinafter referred to as '834), Kim et al. (US 6888598) and Coates et al. (US 6912030; hereinafter referred to as '030) in view of Kameyama et al. (US 6342934).

'834, Kim and '030 disclose all of the limitations set forth in claim 1. '834 further discloses in Column 12 lines 37-42 that adhesive layers are used for laminating the layers of the polarizing plate, but '834 is silent on that the adhesive layer is a pressure-sensitive adhesive layer.

However, Kameyama teaches the in Column 14 line 50 through Column 15 line 19 of using pressure-sensitive adhesive layer as an interconnecting layer between the optical elements in a liquid crystal display device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a polarizing plate as taught by '834, Kim and '030 wherein a pressure-sensitive adhesive layer is used for bonding as taught by Kameyama, since Kameyama teaches that by using pressure-sensitive adhesive layers for bonding optical elements helps to prevent changes in the refractive index generated by photoelastic deformation (Column 14, line 50 through Column 15, line 19).

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN-YING PATTY CHEN whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. PATTY CHEN
Examiner
Art Unit 2871

/W. P. C./
Examiner, Art Unit 2871

/David Nelms/
Supervisory Patent Examiner, Art Unit 2871